

Docket No. 45955/CM/I351



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For : Reissue of U.S. Patent No. 6,202,870
Patentee : Woodrow W. Pearce
Patent No. : 6,202,870
Patent Issue Date : March 20, 2001
Title : VENTING CAP

Docket No. : 45955/CM/I351

DECLARATION FOR REISSUE PATENT APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068

Commissioner:

As a below named inventor, I hereby declare that I reside at the address listed below, I am a citizen of the United States of America, and I believe I am an original, first and sole inventor of the subject matter described and claimed in U.S. Patent No. 6,202,870 (the "'870 Patent"), issued on March 20, 2001, for which a reissue patent is sought on the invention entitled VENTING CAP, the specification of which is attached hereto. The application for the '870 Patent was filed on March 29, 1999, as Application Serial No. 09/277,918 (the "'918 Application").

I acknowledge the duty to disclose information known to me to be material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I believe that the '870 Patent is partially inoperative because none of the claims in the '870 Patent are directed to an insert for use with a cap for capping a bottle where the insert has an annular section forming an opening and comprising a first surface opposite a second surface and a groove formed on the first surface, wherein when the cap is capping the bottle, a first portion of the groove extends beyond a first location external of the rim and a second portion of the groove extends beyond a second location external of the groove, wherein the first location is spaced apart from the second location. The novelty of this aspect of my invention was erroneously overlooked, as I did not

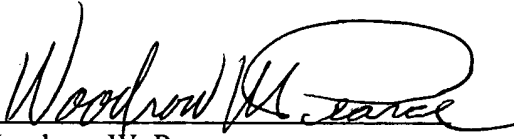
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appreciate the full scope of the invention being claimed at the time the '918 Application was filed and during its prosecution. My failure to recognize the full scope of the invention being claimed was inadvertent as is evidenced by the fact that although this novel feature was described in the specification of the '918 Application, it was not claimed. As a result of this failure, I claimed less than I had a right to claim in the '870 Patent. All errors being corrected in this reissue application up to the time of filing of this Declaration are without any deceptive intent on my part.

I hereby state that I have reviewed and understand the content of the above-identified application, including the original claims 1, 3-40 and any amendments made to such claims as well as added claims 41, 42, 48, 49, 57 and 82-95 as currently pending.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the reissue application or any patent issuing thereon.

Dated: Nov. 20-06


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